

REMARKS

The undersigned wishes to thank Examiner Price for the courtesy and helpful comments extended during their recent discussion of the application.

Claims 1-6 and 16-17 have been amended, claims 8, 10-13, 18-20 and 23-31 have been cancelled without prejudice, and claims 32-35 have been added. No new matter has been added by virtue of the amendments. For instance, support for the amendments and new claims appears e.g. at page 6, lines 18-22; page 13, lines 28-30; page 14, lines 6-9; and the original claims of the application.

Claims 1 and 16 were rejected under 35 U.S.C. 102 over newly cited Pfefferle (U.S. Patent 5660043). The rejection is traversed.

The newly cited Pfefferle document clearly does not teach or suggest Applicants' claimed invention.

Thus, Pfefferle reports an aircraft gas turbine combustor. See, for instance, column 2 of Pfefferle. Pfefferle does not disclose or otherwise suggest a ceramic igniter or systems that comprise an igniter together with an appliance as Applicants claim.

In view thereof, reconsideration and withdrawal of the rejection are requested. See, for instance, *In re Marshall*, 198 USPQ at 346 ("[r]ejections under 35 U.S.C. 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.").

Claims 24-26 and 29-31 were rejected under 35 U.S.C. 102 over Place (U.S. Patent 3589846).

While Applicants disagree with the rejection, it is also believed the rejection has been obviated by amendments made herein. The rejected claims have been cancelled without prejudice.

In view thereof, withdrawal of the rejection is requested.

Claims 1-6, 8-13, 16-18 and 21-31 were rejected under 35 U.S.C. 103 over Place (U.S. Patent 3589846) in view of EP385910 and Pfefferle (U.S. Patent 5660043).

At page 7 of the Office Action, it is acknowledged that the primary citation of Place does not disclose a re-ignition time period of about six seconds or less.

Nevertheless, the following position is taken at pages 8-9 of the Office Action:

[I]n view of the teachings of US00566043 (Pfefferle et al) that “continued controlled heating may be utilized to provide near instantaneous relight,” it would have been obvious to a person in the art to operate US003589846 (Place) in a manner which would permit near instantaneous relight, that is, less than six seconds. Notwithstanding the teaching of place, since the actual warm-up time for a given appliance control application would necessarily depend on numerous design parameters such as the type and amount of fuel burned, the size and type of resistance igniter, the overall size and shape of the burner, etc., to operate US003589846 (Place) such that the desired re-ignition time period is about six seconds or less can be viewed as nothing more than merely a matter of choice in design absent a showing of any new or unexpected results produced therefrom over the prior art of record.

The rejection is traversed.

As discussed above, Pfefferle reports an aircraft gas turbine combustor. Pfefferle does not disclose or otherwise suggest a ceramic igniter or use of such an igniter with an appliance as Applicants claim.

Indeed, contrary to the premise of the instant rejection, the cited element of Pfefferle employed in an aircraft gas turbine combustor is quite distinct from and would not have been used in the clothing-dryer system reported in the Place document. Clearly, the skilled worker would not have looked to an aircraft turbine for design of a clothes dryer system.

Respectfully, for such reasons, the instant rejection appears based on impermissible hindsight reconstruction of Applicants' claimed invention, rather than any type of requisite motivation in the prior art itself to substantiate the combination as is required under 35 U.S.C. 103. See, for instance, MPEP §2143.01.

Additionally, there is no disclosure of record to indicate that a re-ignition time period is about six seconds or less "can be viewed as nothing more than merely a matter of choice in design" as has been proposed in the Office Action.

Such an unsupported allegation that claimed subject matters "merely a matter of choice in design" is clearly improper and warrants withdrawal of the instant rejection. See, for instance, Section 2143.03 of the Manual of Patent Examining Procedure, which mandates: "To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art."

Still further, the report of "near instantaneous relight" in the Pfefferle document is not a disclosure of six seconds or less as Applicants claim. Such a vague report does not indicate any specific time periods and clearly does not indicate six seconds or less. Nor does the Pfefferle document provide any specific disclosure of how such "near instantaneous relight" might be achieved.

In view thereof, reconsideration and withdrawal of the rejection are requested.

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It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Corless', written over a horizontal line.

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